

United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

NOTICE OF JUDGMENT NOS. 56-57, FOOD AND DRUGS ACT.

56. Misbranding of lemon extract (As to presence of oil of lemon.)

57. Misbranding of canned apples (Underweight.)

(N. J. 56.)

MISBRANDING OF LEMON EXTRACT.

(AS TO PRESENCE OF OIL OF LEMON.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 9th day of October, 1908, in the circuit court of the United States in and for the middle district of Tennessee, in a prosecution by the United States against the Cumberland Manufacturing Company, of Nashville, Tenn., for violation of section 2 of the aforesaid act in the shipment from Tennessee into Kentucky of misbranded lemon extract, that is to say, an article designed for food labeled "Cumberland Mfg. Co.'s Swan Brand concentrated flavoring of lemon, oil lemon, and citral, veg. color," which contained no oil of lemon, the said Cumberland Manufacturing Company having theretofore entered its plea of guilty to the indictment, judgment of the court was rendered in substance and in form as follows:

UNITED STATES	}	No. 1114.
<i>vs.</i>		
CUMBERLAND MFG. CO.		

Came the United States attorney and came also the defendant in proper person and by attorney, and the said defendant being charged upon the indictment with violation of the Pure Food Act pleads guilty thereto and submits to the mercy of the court.

It is therefore considered by the court that the defendant forfeit and pay to the United States a fine of \$100.00 and the costs of the cause, for which let execution issue.

The following is a statement of facts upon which the case was based:

On July 24, 1907, an inspector of the Department of Agriculture purchased from J. P. Herman, Owensboro, Ky., samples of a so-called extract labeled "Cumberland Mfg. Co.'s Swan Brand concentrated flavoring of lemon, oil lemon and citral, veg. color, for flavoring ice cream, jellies, custards, pastry, &c., prepared by Cumberland Mfg. Co.,

Nashville, Tenn.” The carton in which the bottles were incased was labeled “Concentrated flavor of lemon, oil lemon & citral,” and on the side of this carton appeared the statement that Swan Brand flavors “are made from high-grade material by the most approved and scientific methods, and like all other goods put up under this trade mark, are of the highest possible grades, combining purity, excellence, strength and hygienic qualities for the price.” The lot from which these samples were taken had been shipped by the Cumberland Manufacturing Company from Nashville, Tenn., to the F. T. Gunther Grocery Co., Owensburg, Ky., and that company, acting as distributors for the Cumberland Manufacturing Company, had delivered the goods to the retail dealer, J. P. Herman. One of the samples was analyzed in the Bureau of Chemistry of the Department of Agriculture, and the following results obtained and stated:

Lemon oil by polarization (per cent)	0.0
Citral (per cent)	0.11

In “Standards of Purity for Food Products,” established under authority of the act of March 3, 1903, and published as Circular No. 19, Office of the Secretary, United States Department of Agriculture, lemon extract is defined as follows:

Lemon extract is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five (5) per cent by volume of oil of lemon.

A comparison of this standard with the analysis above stated, taken in conjunction with the representations on the label, clearly indicated that the claims made on the labels on the bottles and cartons were grossly false, misleading, and deceptive, and in violation of section 8 of the Food and Drugs Act of June 30, 1906.

On October 30, 1907, the Secretary of Agriculture afforded the Cumberland Manufacturing Company a hearing. As there was nothing disclosed tending to show any fault or error in the result of the analysis above stated, the facts were, on June 2, 1908, reported to the Attorney-General, and by him referred to the United States attorney for the middle district of Tennessee, who filed an information against the said Cumberland Manufacturing Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., April 26, 1909.